

Signed at Washington, DC this 22nd day of April 2003.

Timothy F. Sullivan,
Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-10749 Filed 4-30-03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-50,477]

Fleming Companies, Inc., Altoona, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 17, 2003, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Fleming Companies, Inc., Altoona, Pennsylvania, was signed on February 4, 2003, and published in the **Federal Register** on February 24, 2003 (68 FR 8620).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Fleming Companies, Inc., Altoona, Pennsylvania, engaged in activities related to distribution services. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner asserted that the petitioning worker group did not perform distribution services, but produced "business application software." The petitioner further clarified that the product involved a type of distribution software that could be used in convenience stores.

Petitioning workers do not produce an "article" within the meaning of the Trade Act of 1974. The functions performed at the subject firm relate to information technology services. These

services are thus not tangible commodities, that is, marketable products, and are not listed on the Harmonized Tariff Schedule of the United States (HTS), which describes all articles imported to the United States.

Further, the Trade Adjustment Assistance (TAA) program was established to help workers who produce articles and who lose their jobs as a result of increases of like or directly competitive imports of such articles contributing importantly to the layoff. Throughout the Trade Act an article is often referenced as something that can be subject to a duty. To be subject to a duty on a tariff schedule an article will have a value that makes it marketable, fungible and interchangeable for commercial purposes. But, although a wide variety of tangible products are described as articles and characterized as dutiable in the HTS, technology services that are electronically transmitted are not listed in the HTS.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 17th day of April, 2003.

Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-10743 Filed 4-30-03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-40,501 and TA-W-40,501B]

Motorola, Inc., Global Telecom Solutions Sector (GTSS), Formerly Network Solutions Sector (NSS), Schaumburg, Illinois; and Motorola, Inc., Deer Park, Illinois; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 2, 2002, applicable to workers of Motorola, Inc., Global Telecom Solutions Sector (GTSS), formerly Network Solutions Sector (NSS), Schaumburg, Illinois. The notice was

published in the **Federal Register** on May 17, 2002 (67 FR 35143).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of IDEN and CGISS radio system units.

Information shows that worker separations occurred at the Deer Park, Illinois location of the subject firm. The workers provide administrative support functions for Motorola's Global Telecommunications Solutions Sector (GTSS), located in Schaumburg, Illinois.

Accordingly, the Department is amending the certification to include workers of Motorola, Inc., Deer Park, Illinois.

The intent of the Department's certification is to include all workers of Motorola, Inc., Global Telecom Solutions Sector (GTSS), formerly Network Solutions Sector (NSS) who were adversely affected by increased imports.

The amended notice applicable to TA-W-40,501 is hereby issued as follows:

All workers of Motorola, Inc., Global Telecom Solutions Sector (GTSS), formerly Network Solutions Sector (NSS), Schaumburg, Illinois (TA-W-40,501), engaged in employment related to the production of IDEN and CTSS radio systems units, and workers of Motorola, Inc., Deer Park, Illinois (TA-W-40,501B) providing support services related to the production of Global Telecom Solutions Sector (GTSS), formerly Network Solutions Sector (NSS), at Schaumburg, Illinois, who became totally or partially separated from employment on or after November 15, 2000, through May 2, 2004, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 17th day of March 2003.

Linda G. Poole,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-10740 Filed 4-30-03; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Workers Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the

subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 12, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 12, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 22nd day of April, 2003.

Timothy F. Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 04/01/2003 and 04/11/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
42,361	P.C.Cutting and Apparel (Wkrs)	Hialeah, FL	04/10/2003	10/05/2002
51,375	U.S. Repeating Arms Company (Comp)	New Haven, CT	04/01/2003	03/31/2003
51,376	Ravenna Machine Company (Comp)	Defiance, OH	04/01/2003	03/31/2003
51,377	Weyerhaeuser (Comp)	Millport, AL	04/01/2003	03/21/2003
51,378	American Quality Ceramics (Comp)	Bangs, TX	04/01/2003	03/31/2003
51,379	Printed Fabrics Corp. (Wkrs)	Carrollton, GA	04/01/2003	03/26/2003
51,380	Colorado Medtech (Wkrs)	Boulder, CO	04/01/2003	03/27/2003
51,381	Hasler, Inc. (Wkrs)	Shelton, CT	04/01/2003	03/31/2003
51,382	OEM Worldwide (Comp)	Spearfish, SD	04/01/2003	03/28/2003
51,383	American Video Glass Company (Wkrs)	Mt. Pleasant, PA	04/01/2003	03/25/2003
51,384	Honeywell Sensor Systems (Comp)	Pawtucket, RI	04/01/2003	03/31/2003
51,385	Actiontec Electronics (Comp)	Colorado Springs, CO	04/02/2003	04/01/2003
51,386	Avaya, Inc. (IBEW)	Omaha, NE	04/02/2003	04/01/2003
51,387	Allvac/Oremet and Allegheny Tech Co. (USWA)	Albany, OR	04/02/2003	03/27/2003
51,388	Filtronic Solid State (Wkrs)	Santa Clara, CA	04/02/2003	04/01/2003
51,389	State of Alaska Commercial Fisheries (Comp)	Naknek, AK	04/02/2003	04/01/2003
51,390	State of Alaska Commercial Fisheries (Comp)	Naknek, AK	04/02/2003	03/28/2003
51,391	State of Alaska Commercial Fisheries (Comp)	King Salmon, AK	04/02/2003	03/28/2003
51,392	State of Alaska Commercial Fisheries (Comp)	Naknek, AK	04/02/2003	03/28/2003
51,393	Stillwater, Inc. (Comp)	Augusta Springs, VA	04/03/2003	03/18/2003
51,394	B-W Specialty Mfg. (Wkrs)	Seattle, WA	04/03/2003	01/20/2003
51,395	Lexington Home Brands (Comp)	Lexington, NC	04/03/2003	03/31/2003
51,396	Nabco, Inc. (Comp)	Reed City, MI	04/03/2003	04/02/2003
51,397	McCrosky Tool Corp. (Comp)	Meadville, PA	04/03/2003	04/03/2003
51,398	Textron Fastening Systems (Comp)	Rockford, IL	04/03/2003	03/21/2003
51,399	Axis/Salant Corporation (Wkrs)	Culver City, CA	04/03/2003	03/24/2003
51,400	Credence Corporations (Wkrs)	Hillsboro, OR	04/04/2003	03/21/2003
51,401	SV Microwave Components Group (Comp)	Largo, FL	04/04/2003	03/31/2003
51,402	Geiger Bros, Inc. (Comp)	Lewiston, ME	04/04/2003	03/31/2003
51,403	Clariant Corporation (WI)	Oak Creek, WI	04/04/2003	04/01/2003
51,404	TexStyle, Inc. (Wkrs)	Manchester, KY	04/04/2003	03/21/2003
51,405	Itronix (Comp)	Spokane, WA	04/04/2003	03/03/2003
51,406	Dana Corporation (Comp)	Whitsett, NC	04/04/2003	03/24/2003
51,407	MeadWestvaco (GCIU)	Newark, DE	04/04/2003	03/13/2003
51,408	Motorola (Wkrs)	Arlington Hgts, IL	04/04/2003	04/01/2003
51,409	Showcase Glass (Comp)	Post Falls, ID	04/04/2003	03/20/2003
51,410	Daniel Hays Company, Inc. (The) (UNITE)	Johnstown, NY	04/04/2003	03/19/2003
51,411	Corteco (Comp)	Newport, TN	04/04/2003	01/24/2003
51,412	Express Personnel Services (Comp)	Portland, ME	04/04/2003	03/31/2003
51,413	Silvered Electronic Mica Company, Inc. (Comp)	N. Windham, CT	04/04/2003	03/24/2003
51,414	Windsor Forestry Tools, LLC (Wkrs)	Milan, TN	04/04/2003	03/20/2003
51,415	Washington Group (Comp)	Manassas, VA	04/04/2003	03/27/2003
51,416	Weyerhaeuser (Wkrs)	Laredo, TX	04/04/2003	03/18/2003
51,417	Leading Technologies, Inc. (Wkrs)	Leechburg, PA	04/04/2003	03/21/2003
51,418	Dover Furniture Manufacturing, Inc. (Wkrs)	Arley, AL	04/04/2003	03/28/2003
51,419	Vaisala, Inc. (Comp)	Plain City, OH	04/04/2003	03/27/2003
51,420	Drexel Heritage Furniture (Wkrs)	Drexel, NC	04/04/2003	03/31/2003
51,421	Modern Mold and Tool Magnus Molding (MA)	Pittsfield, MA	04/04/2003	03/19/2003
51,422	Butler Manufacturing Company (USWA)	Galesburg, IL	04/04/2003	04/03/2003
51,423	State of Alaska Commercial Fisheries (Comp)	Kodiak, AK	04/04/2003	04/01/2003
51,424	Fishing Vessel (F/V) Sunset (Comp)	Petersburg, AK	04/04/2003	03/28/2003
51,425	Fishing Vessel (F/V Sunset) (Comp)	Cross Sound, AK	04/04/2003	04/01/2003

APPENDIX—Continued

[Petitions instituted between 04/01/2003 and 04/11/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
51,426	360 Networks (Wkrs)	Broomfield, CO	04/04/2003	03/31/2003
51,427	Rhodia, Inc. (Comp)	Freeport, TX	04/04/2003	03/28/2003
51,428	Knoll, Inc. (Wkrs)	East Greenville, PA	04/04/2003	04/04/2003
51,429	Roseburg Forest Products (WCIW)	Dillard, OR	04/04/2003	04/02/2003
51,430	Triangle Suspension Systems, Inc. (Comp)	DuBois, PA	04/04/2003	04/03/2003
51,431	Tecumseh Products (IAM)	Grafton, WI	04/04/2003	04/03/2003
51,432	Marlock, Inc. (Comp)	Maynardville, TN	04/07/2003	04/01/2003
51,433	Kingston Technology (CA)	Fountain Valley, CA	04/07/2003	03/27/2003
51,434	Power Quest Corporation (Wkrs)	Orem, UT	04/07/2003	04/03/2003
51,435	Breg, Inc. (Comp)	Vista, CA	04/07/2003	12/23/2003
51,436	American Video Glass Co. (Wkrs)	Mt. Pleasant, PA	04/07/2003	03/28/2003
51,437	NTN-BCA (USWA)	Lititz, PA	04/07/2003	02/26/2003
51,438	Commonwealth Sprague (MA)	N. Adams, MA	04/07/2003	04/02/2003
51,439	Royal Hosiery Company, Inc. (Comp)	Granite Falls, NC	04/07/2003	04/02/2003
51,440	ASML Albuquerque (Wkrs)	Albuquerque, NM	04/07/2003	04/04/2003
51,441	Rochester Button Company (Wkrs)	Kenbridge, VA	04/07/2003	03/27/2003
51,442	Stora Enso Duluth Paper Mill (Comp)	Duluth, MN	04/07/2003	03/31/2003
51,443	Automotive Ignition Co., Inc. (Wkrs)	Pittsburgh, PA	04/07/2003	03/31/2003
51,444	Lindley Laboratories, Inc. (Wkrs)	Gibsonville, NC	04/07/2003	03/31/2003
51,445	Fishing Vessel (F/V) Jesse and Merle (Comp)	Dillingham, AK	04/07/2003	04/03/2003
51,446	Fishing Vessel (F/V) Jesse and Merle (Comp)	Dillingham, AK	04/07/2003	04/03/2003
51,447	NetManage, Inc.	Bellingham, WA	04/09/2003	04/23/2003
51,448	Hobart Corporation (Wkrs)	Troy, OH	04/09/2003	04/28/2003
51,449	IBM Global Services (Wkrs)	New York, NY	04/09/2003	04/01/2003
51,450	Stratford Die Casting, Inc. (Comp)	Winston-Salem, NC	04/09/2003	04/07/2003
51,451	Aetna (Wkrs)	Tyler, TX	04/09/2003	03/25/2003
51,452	Good Companies (CA)	Carson, CA	04/09/2003	04/01/2003
51,453	Jersey Shore Steel (USWA)	Jersey Shore, PA	04/09/2003	04/03/2003
51,454	Heiting Tool and Die, Inc. (Comp)	Appleton, WI	04/09/2003	04/07/2003
51,455	White Rodgers (AR)	Harrison, AR	04/09/2003	04/07/2003
51,456	Symbol Technologies (Wkrs)	Arlington Hgts., IL	04/09/2003	03/31/2003
51,457	Crown Manufacturing (Wkrs)	Hornbeak, TN	04/09/2003	03/03/2003
51,458	SGI (Wkrs)	Chippewa Falls, WI	04/09/2003	02/12/2003
51,459	Caterpillar Paving Products (Wkrs)	Brooklyn Park, MN	04/09/2003	04/07/2003
51,460	Mettler Toledo (Comp)	Inman, SC	04/09/2003	04/08/2003
51,461	Gilliam Candy Brands, Inc. (Comp)	Paducah, KY	04/09/2003	04/03/2003
51,462	Woodburn Diamond Die (Comp)	Charlevoix, MI	04/09/2003	04/04/2003
51,463	F/V Kingtail (Comp)	Nikiski, AK	04/11/2003	04/08/2003
51,464	Fishing Vessel (F/V) Chasina Bay (Comp)	Ketchikan, AK	04/11/2003	04/08/2003
51,465	Little Narrows, Inc. (Wkrs)	Kodiak, AK	04/11/2003	04/10/2003
51,466	Wards Cove Packing (Comp)	Seattle, WA	04/11/2003	04/09/2003
51,467	Sunshine Traders of El Paso (Wkrs)	El Paso, TX	04/11/2003	04/02/2003
51,468	Aliant Tech Systems (MN)	Edina, MN	04/11/2003	04/09/2003
51,469	Nortel Networks (Wkrs)	Rsrch Trgle Prk, NC	04/11/2003	04/04/2003
51,470	Harriet and Henderson Yarns, Inc. (Comp)	Clarkton, NC	04/11/2003	04/09/2003
51,471	Irvin Automotive Products (Comp)	Greenwood, MS	04/11/2003	01/14/2003
51,472	PDS Technical Services (Wkrs)	Seattle, WA	04/11/2003	03/21/2003
51,473	Shepard Clothing Company, Inc. (Comp)	New Bedford, MA	04/11/2003	03/31/2003
51,474	Seneca Sawmill Company, (Comp)	Eugene, OR	04/11/2003	04/08/2003
51,475	Guy Bennett Lumber Company (Wkrs)	Clarkston, WA	04/11/2003	04/04/2003
51,476	Ultra Cutting (Wkrs)	Medley, FL	04/11/2003	04/02/2003
51,477	Farley's and Sathers Candy Company (Wkrs)	Pittston, PA	04/11/2003	04/09/2003
51,478	VPI Mirrex LLC (Wkrs)	Delaware City, DE	04/11/2003	03/28/2003
51,479	Andrews Wire Company (Comp)	Andrews, SC	04/11/2003	04/03/2003
51,480	Chorum Technologies LP (Comp)	Richardson, TX	04/11/2003	04/09/2003
51,481	Alexandra Fashions, Inc. (Comp)	North Bergen, NJ	04/11/2003	03/31/2003
51,482	Tecumseh Products Co. (Comp)	Douglas, GA	04/11/2003	04/10/2003
51,483	Whiting and Davis (Comp)	Attleboro Falls, MA	04/11/2003	04/10/2003
51,484	CPI Business Groups, Inc. (Comp)	Rochester, NY	04/11/2003	03/31/2003
51,485	Bloomsburg Mills, Inc. (Comp)	New York, NY	04/11/2003	03/31/2003
51,486	Meadwestvaco Envelope Co. (Wkrs)	Springfield, MA	04/11/2003	04/10/2003

[FR Doc. 03-10738 Filed 4-30-03; 8:45 am]

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DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-50,530]

**PHB Tool and Die, Girard,
Pennsylvania; Notice of Revised
Determination on Reconsideration**

By application of February 28, 2003, the company requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on February 13, 2003, based on the finding that criteria (a)(2)(A) (I.C.) and (a)(2)(B) (II.B) were not met. The denial notice was published in the **Federal Register** on March 10, 2003 (68 FR 11409).

To support the request for reconsideration, the company provided additional information that their sole customer, PHB Die Casting, Fairview, Pennsylvania had recently been certified for trade adjustment assistance (TA-W-42,331).

Upon examination of the data supplied by the applicant, it became apparent that PHB Tool and Die workers provided molds and dies used in the production of die castings at an affiliated certified facility (PHB Die Casting, Fairview, Pennsylvania).

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that increased imports of articles like or directly competitive with those produced at an affiliated TAA certified firm contributed importantly to the declines in the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

Workers of PHB Tool and Die, Girard, Pennsylvania, who became totally or partially separated from employment on or after January 8, 2002 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 17th day of April, 2003.

Elliott S. Kushner*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 03-10744 Filed 4-30-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-41,451]

**Powerex, Inc., Youngwood,
Pennsylvania; Notice of Revised
Determination on Reconsideration**

By application of December 5, 2002, the company requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on November 4, 2002, based on the finding that imports of rectifiers and thyristors did not contribute importantly to worker separations at the subject firm plant. The denial notice was published in the **Federal Register** on November 22, 2002 (67 FR 70460).

To support the request for reconsideration, the petitioner supplied additional information to supplement that which was gathered during the initial investigation. Upon further review and contact with two major declining customers, it was revealed that these customers either increased their imports absolutely or increased their reliance on imports of like or directly competitive products in the relevant period.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Powerex, Youngwood, Pennsylvania, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Powerex, Youngwood, Pennsylvania, who became totally or partially separated from employment on or after March 8, 2002 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 17th day of April, 2003.

Elliott S. Kushner,*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 03-10741 Filed 4-30-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-37,459]

**Rohm and Haas Company,
Philadelphia, Pennsylvania; Notice of
Revised Determination on Remand**

The United States Court of International Trade (USCIT) remanded to the Secretary of Labor for further investigation of the negative determination in *Former Employees of Rohm and Haas v. U.S. Secretary of Labor* (Court No. 00-07-00333).

The Department's initial denial of Trade Adjustment Assistance (TAA) for the workers producing ion exchange resins at Rohm and Haas Company, Philadelphia, Pennsylvania, was based on the finding that criterion (1) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. The decision was signed on April 18, 2000 and published in the **Federal Register** on May 11, 2000 (65 FR 30443).

On voluntary remand, the Department determined that workers of Rohm and Haas Company, Philadelphia, Pennsylvania, producing ion exchange resins were threatened with employment declines. Therefore, criterion (1) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was met. Also on voluntary remand, it was determined that criterion (2) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was met. However, criterion (3) of the group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. Imports did not contribute importantly to worker separations at the subject firm.

On remand, the Department obtained new information from the company which they did not provide during the initial investigation or during voluntary remand.

New data recently supplied by the company shows that the company increased their imports of ion exchange resins (IER's) during the relevant period of the investigation. The data supplied by the company on remand also